

REMARKS

Status of claims

Claims 1-24 are pending in the present application. The Applicants have canceled claim 11 without prejudice.

Claim rejections – 35 USC § 112

The Examiner rejects claim 11 under 35 USC § 112, first paragraph. The Applicants have canceled claim 11, thus rendering the rejection of the Examiner moot.

Claim rejections – 35 USC § 102

In the Action, the Examiner rejects claims 1-10 and 12-24 under 35 USC § 102(e) as being anticipated by U.S. Pat. No. 6,327,652 to England. The Applicants respectfully disagree.

Claim 1

A.

Claim 1 recites a "*trusted computing device*" while England discloses a server (see box 220 in Figure 2 of England). The Examiner appears to believe that a server is a trusted computing device. However, the Applicants have not been able to find, in the pending Action, a basis for the Examiner's belief.

Establishing whether a server is a trusted computing device or not depends on the kind of operation the server intends to perform. In England, the main problem seems that of establishing whether a component is trusted or not. In other words, the issue is centered on the trustworthiness of the component, not on the trustworthiness of the content provided by the server 220.

Should the Examiner refuse to follow the Applicants' reasoning, the Examiner is requested, pursuant to the rules of practice, to make all factual statements in Affidavit format. Compliance with 35 CFR § 1.104(d)(2) is respectfully requested.

B.

Claim 1 recites that "[the] trusted computing device is arranged . . . to keep a record of the response." The Examiner appears to identify this feature in two different places of England, both of which, however, do not correspond to the recited feature.

Firstly, the Examiner asserts that a log or historical status of the user devices is also being kept in England (see column 13, lines 54-59 of England). Although the statement is correct as such, the Examiner fails to mention that the record is kept in the CPU 201 of the client 200 and not in the server 220. In other words, even assuming, arguendo, that the Examiner is right in stating that a server is a trusted computing device, England's server does not keep a record of the response as recited in claim 1.

Second, the Examiner also states that England's server 220 stores (or keeps record) of an "access predicate" which the server makes available with the content 221 sent to the client 200, thus implying that England anticipates the feature "[the] trusted computing device is arranged . . . to keep a record of the response and to make the record available" of claim 1. However, this is not what happens in England. An "access predicate" as defined in England is not a record of the response stored in the server. Looking at Figures 10 and 11 (and the corresponding portion of the specification, column 19, line 6 through column 20, line 13) of England, it is apparent that the access predicate is a list of conditions to which the client must satisfy in order to obtain the content. For example, is the client within a specified trust level field? (elements 1001-1003) Has the client derivation rights or rights to

allow the content to be sent to other clients? (Figure 11). Therefore, such list of conditions is not a "*record of the response*."

Therefore, claim 1 is novel over England.

Claims 2-10

Claims 2-10 are also submitted to be novel over England, at least by virtue of their dependency on claim 1.

Claims 12 and 13

The rationale of the Examiner for rejecting claims 12 and 13 based on England is stated in the first two paragraphs at page 4 of the Action. The Examiner is making reference to the general hardware configuration shown in Figure 1 of England. Figure 1 of England shows a computing device 20 including a communication device 53 and a data processor 21.

However, claim 12 also recites that "*the data processor is arranged to establish communication with a trusted computing device via the communication device*" and claim 13 also recites that "*the data processor is arranged to identify challenges from at least one trusted computing device*." If the Applicants follow the computing device 20--> client 200, remote computer 49--> server 220 analogy provided by England at column 8, lines 40-47, the Examiner is apparently stating, also in this case, that the server 220 is a "*trusted computing device*." Therefore, the Applicants reiterate the arguments already presented in Section A relating to claim 1 above, and submit that claims 12 and 13 are novel over England.

Claims 14 and 15

Claims 14 and 15 are also submitted to be novel over England, at least by virtue of their dependency on claim 13.

Claim 16

A.

The Applicants have only been able to find that the challenging device in England is a server and not a "*trusted computing device*" as claimed in claim 16. See section A with reference to claim 1 above.

B.

The Applicants have not been able to find how the challenging device in England does "*keep a record of responses made to the challenges and make the record available*" as claimed in claim 16. See section B with reference to claim 1 above.

Therefore, the Applicants submit that claim 16 is novel over England.

Claims 17-20

Claims 17-20 are also submitted to be novel over England, at least by virtue of their dependency on claim 16.

Claim 21

Claim 21 is a method claim which contains all of the features recited in claim 16. Therefore, the Applicants make reference to the arguments used for claim 16 above and submit that claim 21 is novel over England.

Claim 22

Claim 22 is also submitted to be novel over England, at least by virtue of its dependency on claim 21.

Claim 23

Claim 23 is an apparatus claim which contains all of the features recited in claim 1. Therefore, the Applicants make reference to the arguments used for claim 1 above and submit that claim 23 is novel over England.

Claim 24

Claim 24 is a method claim which recites, in step-language, the features of claim 23. Therefore, the Applicants make reference to the arguments used for claim 23 above and submit that claim 24 is novel over England.

Claim Rejections – 35 USC § 103

In the Action, the Examiner rejects claim 11 under 35 USC § 103(a) as being unpatentable over England in view of U.S. Pat. No. 6,868,406 to Oggs. The Applicants have canceled claim 11, thus rendering the rejection of the Examiner moot.

* * * * *

In view of the above, reconsideration and allowance of all claims are respectfully solicited.

The Commissioner is authorized to charge any additional fees which may be required or credit overpayment to deposit account no. 08-2025. In particular, if this response is not timely filed, then the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136 (a) requesting an extension of time of the number of months necessary to

make this response timely filed and the petition fee due in connection therewith may be charged to deposit account no. 08-2025.

I hereby certify that this correspondence is being deposited with the United States Post Service with sufficient postage as first class mail in an envelope addresses to: Mail Stop Amendments, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on

August 19, 2005
(Date of Deposit)

Susan Papp
(Name of Person Depositing)

Susan Papp
Signature
08/19/05
Date

Respectfully submitted,

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Enclosures: - Petition for one-month extension of time
- Postcard